

Attorney's Docket No. 041309/262110

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:
Appl No.:
Filed:
For:

Manekazu Date, et al.
10/615,571
July 8, 2003
OPTICAL DEVICE AND DISPLAY APPARATUS

Confirmation No.: 1889

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 16, 2004

DECLARATION OF GWEN FRICKHOEFFER

Sir:

I, Gwen Frickhoeffer, hereby declare as follows:

1. Pursuant to the Cover Sheet of the above-identified application, Guy R. Gosnell is one of the attorneys appointed to prosecute this application and to transact all related business in the Patent and Trademark Office. The cover sheet of the application also specifies that all correspondence in this application should be directed to Alston & Bird, LLP, Bank of America Plaza, 101 South Tryon Street, Suite 4000, Charlotte, North Carolina, 28280-4000. I am an employee of Alston & Bird and among my duties is the task of checking and mailing of the above-mentioned application.

2. Since this application is a divisional application of U.S. Patent Application No. 09/361,856, filed July 27, 1999, now issued as U.S. Patent No. 6,618,104 on September 9, 2003, I prepared the above-identified application for filing by making two complete copies of the parent application. I used the correlating function on our copier to run two copies, one of which was mailed to the Patent Office and one was inserted into our trifold containing this application. Enclosed is a copy of the application as inserted into our trifold. This copy contains the allegedly omitted pages 93-113.


3. I prepared the document for mailing to the Patent and Trademark Office. This preparation included: verifying that all parts of the application were present, that all pages were present and in proper order, that all relevant signatures were affixed, and that all checks for all fees were properly printed and enclosed. As is my habit, I counted the pages of the application and all pages were included.

4. Pursuant to M.P.E.P. § 503, I prepared a self-addressed post card which contained the information required by the Patent and Trademark Office. As further required under section 503, I also included a detailed application cover sheet responding to all needed information and indicating that the enclosed specification included all 159 pages. Further, I inspected the application, the cover sheet, and the post card insuring that all required sections of the application were present. The application, cover sheet,

filing fees, and self-addressed post card were enclosed in an envelope containing the correct address of the Patent and Trademark and was mailed by *Express Mail* to the Patent and Trademark Office. The cover sheet to the application contains my signature attesting to the proper mailing of the application.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any parent issued thereon.

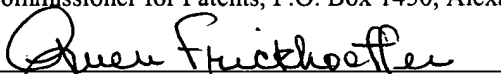
Respectfully submitted,


Gwen Frickhoeffter

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 16, 2004


Gwen Frickhoeffter